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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,853	01/16/2004	Mark E. Peters	RSW920030243US1 (132)	6950
46320 7590 07/14/2008 CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP STEVEN M. GREENBERG 950 PENINSULA CORPORATE CIRCLE SUITE 3020 BOCA RATON, FL 33487				
EXAMINER				
FIELDS, BENJAMIN S				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/758,853

Applicant(s)

PETERS, MARK E.

Examiner

BENJAMIN S. FIELDS

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-13 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-13 and 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Introduction

1. Upon further review of the arguments provided by the applicant in the Appeal Brief filed 23 June 2008, the FINAL Office action mailed 22 January 2008 has been withdrawn. The prosecution of this application is hereby reopened.
2. The following is a **NON-FINAL** Office Action in response to the communication received on 23 June 2008. Claims 1-7, 9-13, and 15-18 are now pending in this application.

/Kambiz Abdi/
Supervisory Patent Examiner, Art Unit 3692

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 9-13, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (US PG Pub. No. 2002/0032616), [hereinafter Suzuki] in view of Schuba et al. (US PG Pub. No. 2002/0052842), [hereinafter Schuba].

Referring to Claim 1: Suzuki shows a mobile server wallet provider (MSWP) [portal] comprising: a configuration for communicative coupling both to a plurality of MSWP's and also a content proxy [wallet server] (Suzuki: Figures 3-4, 6-7; Page 2,

Paragraph 0030//The figures depict a system that facilitates the transactions between multiple MSWP's where a content proxy [wallet server] would allow retrieval of various amounts of information regarding the MSWP//); a composite profile generator configured to combine a plurality of MSWP profiles into a single, composite profile for routing payment messages in said proxy [wallet server] to the MSWP [portal] (Suzuki: Page 2, Paragraph 0021, 0030// Suzuki refers to a system which combines multiple MSWP's and allows for financial transactions to take place//); and, selection logic configured to process a user selection of one of said MSWP's to process a payment transaction received through said proxy [wallet server] (Suzuki: Figures 3, 4, 7; Page 2, Paragraph 0020-0023//Upon verification of receipt, a payment transaction process occurs with the system//).

Suzuki, however, does not expressly discuss a wallet 'portal'.

Schuba, in a similar environment, teaches a wallet portal where a mobile server wallet transaction takes place. The Examiner notes that Schuba discusses the usage of a wallet server, which comprises an entity that operates between a merchant and a customer. This 'single entity' is located within the transaction between the merchant and a consumer and is used by both. The consumer communicates with the wallet, and the wallet, in turn, communicates with the merchant through the merchant's website. In effect, it would be obvious to conclude that this entity is thus likened to serve as a 'portal' in order to achieve successful system interoperability as disclosed; henceforth, a portal is taught in Schuba. Additionally, there are number of servers within the system of Schuba (//Unarguably, the server which corresponds more effectively to the operation

of a proxy, teaches the proxy server of the instant application//). Furthermore, it is old and well known in the art that upon use of a mobile wallet, a composite profile is created for a user/subscriber in order to allow for quicker usability during each successive/subsequent use, thereby reducing the continuous data/bandwidth input into the system caused via each transaction.

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the teachings of Suzuki for a relay server, relaying method and payment system with the features of Schuba for an electronic wallet server payment transaction for the purpose of creating a greater more robust and efficient system that also allows for ease of user interaction and protection/safety for user when making payments and/or transactions while using the system (Schuba: Page 1, Paragraph 0002-Page 2, Paragraph 0018).

Referring to Claim 2: Suzuki discusses a [portal//communication device//], wherein said content proxy [wallet server] is a wireless service proxy [wallet server] (Suzuki: Page 1, Paragraphs 0008-0011; Page 4, Paragraph 0049//Suzuki discloses a system which consists of a wireless service proxy via the Internet - Various communication devices are mentioned which are capable of maintaining wireless service proxy transmission//).

Referring to Claim 3: Suzuki discloses [a portal], wherein the WSP comprises [a filter plug-in] configured to route said payment messages [to the portal] when said payment messages match rules specified within said composite profile (Suzuki: Page 2, Paragraphs 0028-0029; Page 3, Paragraphs 0033-0038//After authentication takes

place within the network, payment messages are routed back and forth via the system//).

Suzuki, however, does not expressly show a portal as discussed supra or a filter plug-in.

The Examiner takes Official Notice to the fact that it is quite common and well known to one of ordinary skill in the art that a filter be involved in an initiation of an electronic payment transaction, a communication terminal of a customer, or a transaction server. A filter serves as a primary part of the communication system; the communication system allows a communication between the server of the merchant, the communication terminal and the transaction server. The filter has, among others, the task of forwarding certain messages concerning the electronic payment transaction to assigned receivers. Filters can be a part of a communication system, such as a GSM, GPRS, PPDC, WCDMA, UMTS, and Bluetooth type networks by way of example. In addition, a filter allows for, among other things, the ability for certain messages to be redirected to the transaction server for the communication terminal.

Schuba, in a similar environment, teaches a wallet portal where a mobile server wallet transaction takes place. The Examiner notes that Schuba discusses the usage of a wallet server, which comprises an entity that operates between a merchant and a customer. This 'single entity' is located within the transaction between the merchant and a consumer and is used by both. The consumer communicates with the wallet, and the wallet, in turn, communicates with the merchant through the merchant's website. In effect, it would be obvious to conclude that this entity is thus likened to serve as a

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'portal' in order to achieve successful system interoperability as disclosed; henceforth, a portal is taught in Schuba. Additionally, there are a numerous amount of servers within the system of Schuba (//Unarguably, the server which corresponds more effectively to the operation of a proxy, teaches the proxy server of the instant application//). Furthermore, it is old and well known in the art that upon use of a mobile wallet, a composite profile is created for a user/subscriber in order to allow for quicker usability during each successive/subsequent use, thereby reducing the continuous data/bandwidth input into the system caused via each transaction.

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the teachings of Suzuki for a relay server, relaying method and payment system with the features of Schuba for an electronic wallet server payment transaction for the purpose of creating a greater more robust and efficient system that also allows for ease of user interaction and protection/safety for user when making payments and/or transactions while using the system (Schuba: Page 1, Paragraph 0002-Page 2, Paragraph 0018).

Referring to Claim 4: Suzuki teaches a payment transaction system comprising: a plurality of mobile server wallet providers (MSWP's) coupled to respective on-line financial institutions (Suzuki: Figures 3-4, 6-7; Page 2, Paragraphs 0024, 0030; Page 4, Paragraphs 0052-0053//Suzuki depicts a system which combines multiple MSWP's, and allows for financial transactions to take place which have a relation with multiple financial institutions of varying types//); at least one content proxy [wallet server] configured for coupling both to on-line merchants and to end user customers of

said on-line merchants (Suzuki: Figure 1(#40); Page 3, Paragraph 0048; Page 4, Paragraphs 0053//The system as disclosed can be utilized by both on-line merchants and end-users//); and, at least one MSWP [portal] disposed between the MSWP's and at least one content proxy [wallet server] (Suzuki: Page 2, Paragraphs 0021, 0030; Page 3, Paragraph 0031).

Suzuki, however, does not expressly discuss a wallet 'portal'.

Schuba, in a similar environment, teaches a wallet portal where a mobile server wallet transaction takes place. The Examiner notes that Schuba discusses the usage of a wallet server, which comprises an entity that operates between a merchant and a customer. This 'single entity' is located within the transaction between the merchant and a consumer and is used by both. The consumer communicates with the wallet, and the wallet, in turn, communicates with the merchant through the merchant's website. In effect, it would be obvious to conclude that this entity is thus likened to serve as a 'portal' in order to achieve successful system interoperability as disclosed; henceforth, a portal is taught in Schuba. Additionally, there are a numerous amount of servers within the system of Schuba (//Unarguably, the server which corresponds more effectively to the operation of a proxy, teaches the proxy server of the instant application//). Furthermore, it is old and well known in the art that upon use of a mobile wallet, a composite profile is created for a user/subscriber in order to allow for quicker usability during each successive/subsequent use, thereby reducing the continuous data/bandwidth input into the system caused via each transaction.

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the teachings of Suzuki for a relay server, relaying method and payment system with the features of Schuba for an electronic wallet server payment transaction for the purpose of creating a greater more robust and efficient system that also allows for ease of user interaction and protection/safety for user when making payments and/or transactions while using the system (Schuba: Page 1, Paragraph 0002-Page 2, Paragraph 0018).

Referring to Claim 5: Claim 5 parallels the limitations of Claim 2. As such, Claim 5 is rejected under the same basis, as is Claim 2 as mentioned supra.

Referring to Claim 6: Suzuki discusses a system, wherein said content proxy [wallet server] further comprises [a filter plug-in] configured to route payment messages to said MSWP [portal] when said payment messages match rules specified within a profile provided to said [filter plug-in] by said MSWP [portal] (Suzuki: Page 2, Paragraphs 0028-0029; Page 3, Paragraphs 0033-0038//After authentication takes place within the network, payment receipt messages are routed back and forth throughout the system//).

Suzuki, however, does not expressly show a portal as discussed supra or a filter plug-in.

The Examiner takes Official Notice to the fact that it is quite common and well known to one of ordinary skill in the art that a filter be involved in an initiation of an electronic payment transaction, a communication terminal of a customer, or a transaction server. A filter serves as a primary part of the communication system; the

communication system allows a communication between the server of the merchant, the communication terminal and the transaction server. The filter has, among others, the task of forwarding certain messages concerning the electronic payment transaction to assigned receivers. Filters can be a part of a communication system, such as a GSM, GPRS, PPDC, WCDMA, UMTS, and Bluetooth type networks by way of example. In addition, a filter allows for, among other things, the ability for certain messages to be redirected to the transaction server for the communication terminal.

Schuba, in a similar environment, teaches a wallet portal where a mobile server wallet transaction takes place. The Examiner notes that Schuba discusses the usage of a wallet server, which comprises an entity that operates between a merchant and a customer. This 'single entity' is located within the transaction between the merchant and a consumer and is used by both. The consumer communicates with the wallet, and the wallet, in turn, communicates with the merchant through the merchant's website. In effect, it would be obvious to conclude that this entity is thus likened to serve as a 'portal' in order to achieve successful system interoperability as disclosed; henceforth, a portal is taught in Schuba. Additionally, there are number of servers within the system of Schuba (//Unarguably, the server which corresponds more effectively to the operation of a proxy, teaches the proxy server of the instant application//). Furthermore, it is old and well known in the art that upon use of a mobile wallet, a composite profile is created for a user/subscriber in order to allow for quicker usability during each successive/subsequent use, thereby reducing the continuous data/bandwidth input into the system caused via each transaction.

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the teachings of Suzuki for a relay server, relaying method and payment system with the features of Schuba for an electronic wallet server payment transaction for the purpose of creating a greater more robust and efficient system that also allows for ease of user interaction and protection/safety for user when making payments and/or transactions while using the system (Schuba: Page 1, Paragraph 0002-Page 2, Paragraph 0018).

Referring to Claim 7: Suzuki discloses a method for processing a payment transaction in a mobile commerce system (Suzuki: Page 2, Paragraph 0016; Page 3, Paragraphs 0031-0032//Suzuki discloses a e-commerce payment transaction system and method//), the method comprising the steps of: processing a payment message in a [portal] to identify one of a selection of mobile server wallet providers to handle an associated payment transaction (Suzuki: Page 2, Paragraph 0016; Page 3, Paragraphs 0031-0032//A payment transaction is dedicated to a given mobile server wallet//); routing said payment message to said payment message to an identified one of said MSWP's (Suzuki: Page 2, Paragraphs 0016, 0023; Page 4, Paragraphs 0052-0053//A unique identifier is traced with the payment transactional information//); combining individual MSWP profiles for each of said MSWP's into a composite profile (Suzuki: Figures 3-4, 6-7; Page 2, Paragraph 0030//Suzuki teaches a system and method which facilitates transactions between multiple MSWP's where a content proxy [wallet server] allows retrieval of financial information regarding the MSWP, thereby causing storage to a composite profile//); and, providing said composite profile to a content proxy [wallet

server] for use in trapping payment messages passing through said content proxy [wallet server] between an on-line merchant and a customer in the mobile commerce system (Suzuki: Page 1, Paragraphs 0008-0011; Page 4, Paragraph 0049).

Referring to Claim 9: Suzuki shows a method of processing comprising the steps of: identifying a customer associated with said payment message (Suzuki: Page 2, Paragraphs 0016, 0021, 0028//Suzuki teaches a system where a user [customer] is identified//); parsing a profile associated with said customer to determine a selection of preferred MSWP's (Suzuki: Figure 3-Also See Page 4, Paragraphs 0059-0060//Suzuki displays a system which allows a selection of various MSWP's//); rendering a user interface presenting said selection of preferred MSWP's to said customer (Suzuki: Figure 3-Also See Page 4, Paragraphs 0059-0060); and, selecting a particular one of said preferred MSWP's to handle said associated payment transaction based upon data provided by said customer in said user interface (Suzuki: Page 5, Paragraphs 0061-0064//A financial payment transaction occurs at this juncture in the system, upon final selection of a MSWP//).

Referring to Claim 10: Suzuki discusses a method comprising the step of relaying payment transaction data produced by said selected one of said preferred MSWP's to a customer (Suzuki: Page 3, Paragraph 0021; Page 8, Paragraphs 105, 106, 110//Communication between a MSWP and a customer are described//).

Referring to Claim 11: Suzuki discloses a method comprising the step of relaying payment transaction data produced by said selected one of said preferred MSWP's to a merchant associated with said payment transaction (Suzuki: Page 3, Paragraph 0021;

Page 8, Paragraphs 105, 106, 110//Communication between a MSWP and a merchant are described//).

Referring to Claim 12: Suzuki teaches a method wherein said relaying step comprises the step of relaying a payment guarantee to said merchant by said selected one of said preferred MSWP's (Suzuki: Page 2, Paragraphs 0016-0017//While no 'formal' guarantee is expressly mentioned by Suzuki, the transaction will not terminate until payment has been received, hence, a payment guarantee is in effect//).

Referring to Claims 13-18: Claims 13-18 are directed towards a machine readable storage for Claims 7-12. As such Claims 13-18 are rejected under the same basis as are Claims 7-12 as mentioned supra.

Examiner Note

5. **The Examiner has pointed out particular reference(s) contained in the prior art of** record within the body of this action for convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. **Applicant**, in preparing the response, should fully consider the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schutzer (US Pat. No. 6,873,974) teaches a system and method for use of distributed electronic wallets.

Any inquiry concerning this communication should be directed to BENJAMIN S. FIELDS at telephone number 571.272.9734. The examiner can normally be reached MONDAY THRU FRI between the hours of 9AM and 7PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KAMBIZ ABDI can be reached at 571.272.6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin S. Fields

1 July 2008

/Kambiz Abdi/

Supervisory Patent Examiner, Art Unit 3692